

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION

YVAN JAYNE,  
*Plaintiff*

v.

HEALTH CARE SERCIE CORP., A  
MUTUAL LEGAL RESERVE CO.,  
D/B/A BLUE CROSS AND BLUE  
SHIELD OF TEX., et al,  
*Defendant*.

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**6:22-CV-00564-ADA-JCM**

**ORDER ADOPTING MAGISTRATE  
JUDGE'S REPORT AND RECOMMENDATION**

Before the Court is the Report and Recommendation of United States Magistrate Judge Jeffrey C. Manske. ECF No. 25. The report recommends that this Court grant Defendant Health Care Service Corporation's Rule 12(b)(6) Partial Motion to Dismiss Plaintiff's Amended Complaint (ECF No. 15). The report and recommendation was filed on March 1, 2023.

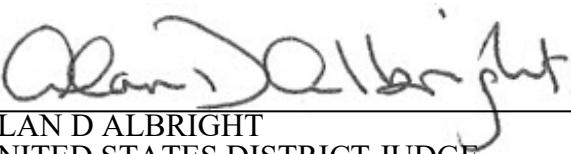
A party may file specific, written objections to the proposed findings and recommendations of the magistrate judge within fourteen days after being served with a copy of the report and recommendation, thereby securing *de novo* review by the district court. 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b). As of today, neither party has filed objections.

When no objections are timely filed, a district court reviews the magistrate judge's report and recommendation for clear error. *See* Fed. R. Civ. P. 72 advisory committee's note ("When no timely objection is filed, the [district] court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation."). The Court has reviewed the report and recommendation and finds no clear error.

**IT IS THEREFORE ORDERED** that the Report and Recommendation of United States Magistrate Judge Manske (ECF No. 25) is **ADOPTED**.

**IT IS FURTHER ORDERED** that Defendant's Partial Motion to Dismiss (ECF No. 15) is **GRANTED** and that Plaintiff's breach of the duty of good faith and fair dealing claim and Plaintiff's claim under Chapter 541 of the Texas Insurance Code be dismissed as barred by limitations. Plaintiff's breach of contract and Chapter 542 of the Texas Insurance Code claims remain.

**SIGNED** this 16th day of March, 2022.



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ALAN D ALBRIGHT  
UNITED STATES DISTRICT JUDGE